IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15284 of 2004

Between:

1. T. Uppendra Rao, S/o. Venkateswarlu, Occ: Agriculture
2. T. Prabhakara Rao, S/o. Venkateswarlu, Occ: Agriculture
3. T. Venkateswarlu, S/o. Veeraiah, Occ: Agriculture
4. T. Seethamma, W/o. Venkateswarlu, Occ: Agriculture
5. T. Ramaiah, S/o. Veeraiah, Occ: Agriculture
6. D. Rama Murthy, S/o. Biksham, Occ: Agriculture

All are R/o. Kotha Lingala village, Kamepally Mandal, Khammam District.

..... PETITIONERS

AND

1. The District Collector, Khammam District, at Khammam
2. The Executive Engineer (PR) Kothagudem Division, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or direction preferably writ of mandamus declaring the action of the respondents and their staff in taking steps for laying road through the lands of the petitioners total admeasuring Ac.36-16 guntas in Sy.No.143,144/AA,144/E,128/A,144/A,262,266/A and 267 situated at Kotha Lingala village, Kamepally Mandal, Khammam District, without issuing any notice, without initiating any proceedings is illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondents not to disturb the possession of the petitioners of their lands.

Counsel for the Petitioners: MR.KOWTURU VINAYA KUMAR
Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following ORDER:

The writ petition is filed complaining that the respondents are taking steps to lay road across the lands belonging to the petitioners situate at Kotha Lingala village, Kamepally Mandal, Khammam District, without following the due process of law by acquiring the lands.

It is well settled that no *mandamus* can be issued against the contemplated action on mere apprehension. However, it is observed that if any roads, as such, laid will have the effect of depriving the petitioners of their lands, the respondents are under obligation to follow the due procedure as per law.

The writ petition is accordingly dismissed. No costs.

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A.Gopal Reddy, J

Date: 26.08.2004

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To

1. The District Collector, Khammam District, at Khammam
2. The Executive Engineer (PR) Kothagudem Division, Khammam District.
3. Two CCs to G.P. for Revenue, High Court of A.P. Buildings, Hyderabad(OUT)
4. Two CD copies